

Amendment under 37 CFR §1.116
Attorney Docket No.: 062440
Application No.: 10/577,916

REMARKS

Claims 1-6 are pending in the present application. Claims 1 and 2 are herein amended.
No new matter has been entered.

Claim Rejections - 35 U.S.C. § 102

Claims 1-6 were rejected under 35 U.S.C. § 102(b) as being anticipated by **Chiba**, *Properties of $\text{La}_{1-y}\text{Sr}_y\text{Ni}_{1-x}\text{Fe}_x\text{O}_3$ as a cathode material for a low-temperature operating SOFC*, Solid State Ionics, 152-153 (2002) 575-582.

Favorable reconsideration is requested.

Claims 1 and 2 have been amended to delete Ti, Fe, and Co from the definition of M^2 in the formula $\text{La}_v\text{M}^1_w\text{Ni}_x\text{M}^2_y\text{O}_z$. M^2 has been changed to at least one element selected from the group consisting of V, Cr, and Mn.

Applicants respectfully submit that Chiba does not teach or suggest:

A complex oxide having a composition represented by the formula $\text{La}_v\text{M}^1_w\text{Ni}_x\text{M}^2_y\text{O}_z$; wherein ... M^2 is at least one element selected from the group consisting of V, Cr, and Mn

as recited in amended claims 1 and 2.

Chiba discloses an oxide represented by the formula $\text{La}_{1-y}\text{Sr}_y\text{Ni}_{1-x}\text{Fe}_x\text{O}_3$, wherein X is in the range of 0.3-1.0 (Table 1). The oxide disclosed in Chiba contains Fe as an essential component. In contrast, the complex oxide of the present invention as recited in amended claims 1 and 2 does not contain Fe. Chiba does not disclose the formula of amended claims 1 and 2 in which M^2 is at least one element selected from the group consisting of V, Cr, and Mn.

Amendment under 37 CFR §1.116
Attorney Docket No.: 062440
Application No.: 10/577,916

For at least the foregoing reasons, claims 1 and 2 are patentable over the cited reference, and claims 3-6 are patentable by virtue of their dependence from either claim 1 or 2. Accordingly, withdrawal of the rejection of claims 1-6 is hereby solicited.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



Andrew G. Melick
Attorney for Applicants
Registration No. 56,868
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

AGM/adp